



S/N 09/945,321

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicant: | Gohlke et al. | Examiner: | Walls, Dionne A. |
| Serial No.: | 09/945,321 | Group Art Unit: | 1731 |
| Filed: | August 31, 2001 | Docket No.: | 13692.2US01 |
| Title: | DEVICE FOR PURIFYING MOLTEN GLASS | | |

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 11, 2004.

By:

Name:

Kristine A. Wacker
Kristine A. Wacker

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

23552

PATENT TRADEMARK OFFICE

Dear Sir:

In response to the Office Action mailed on October 15, 2003, please consider the following remarks.

Claims 1-3, and 5-14 were rejected under 35 U.S.C. § 103 as obvious over Applicants' Admitted Art in view of Tharp (U.S. Pat. No. 4,842,732). The Applicants respectfully traverse this rejection. The Applicants do not concede that the Admitted Art encompasses all that it was claimed to encompass in the Office Action. Furthermore, Applicants respectfully contend that Tharp fails to teach or suggest the modification of the purported Admitted Art in the manner claimed. Claim 1 requires a device for purifying molten glass that includes a porous body having pores with an average diameter of less than 0.5 mm.

Applicants' respectfully contend that Tharp does not constitute prior art with respect to the purification of molten glass. Tharp teaches an apparatus for aerating and mixing waste water. A reference constitutes prior art only if falls within the Applicant's field of endeavor or is otherwise reasonably pertinent to the resolution of the problem the applicant aims to solve. *See, in re Oetiker*, 977 F.2d 1443, 1446 (Fed. Cir. 1992). The treatment of wastewater is not within